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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,122	08/04/2003	Dzu D. Luong	1571.2049-001	5748
21005	7590	08/09/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.			PHAN, JAMES	
530 VIRGINIA ROAD			ART UNIT	
P.O. BOX 9133			PAPER NUMBER	
CONCORD, MA 01742-9133			2872	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,122

Applicant(s)

LUONG ET AL.

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-36,38,39 and 41-71 is/are pending in the application.
- 4a) Of the above claim(s) 1, 3-31 and 35-36, 38-39, 41-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/7/04;3/8/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of the species 3, including claims 32-34, in the reply filed on 5/23/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)) and is made FINAL.

Claims 1, 3-31 and 35-36, 38-39, 41-71 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 1/7/04 and 3/8/04 have been considered by the examiner.

### ***Additional Prior Art Cited***

Thoma et al discloses a process for the production of polymers containing polyurea or polyhydrazodicarbonamide

linkages; and Lasch et al discloses a process for making conformable thermoplastic marking sheet.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Thoma et al.

Thoma et al discloses a method for forming polyurea suitable for films (column 1, lines 17-18). In column 10, lines 38-39, further discloses that “A film is cast from the elastomer solution and the foil obtain, after drying at 70 to 100 C”. Thus, Thoma et al inherently discloses a method for forming a sheet (film or foil) including polyurea having all the claimed steps. Also, see column 18, lines 15-18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thoma et al.

Thoma et al discloses a method for forming a sheet (film or foil) including polyurea having all the claimed steps as discussed in the rejection of claim 32. Thoma et al does not disclose the step of applying a second carrier substrate over the polyurea prior to curing. However, this method step is obvious because the polyurea sheet/film disclosed in Thoma et al is very thin and thus very difficult to handle, and because the second carrier substrate can be used as a cover sheet to prevent the polyurea sheet/film from contamination of foreign particles such as dust while being

stored or transported. Thus, it would have been obvious to one of ordinary skill to apply a second carrier substrate over the polyurea prior to curing so as to form a polyurea sheet/film including a carrier substrate for easily handling the polyurea sheet and for preventing the sheet from contamination of foreign particle while being transported or stored.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thoma et al as applied to claim 33 above, and further in view of Lasch et al.

Although Thoma et al does not disclose the use of a nip roller to control a thickness of the sheet, the use of a nip roller to control a thickness of the sheet is well known in the art. Lasch et al discloses a method of forming a conformable marking sheet having the steps of providing a casting roller having a rotating casting surface and an accompanying rubber nip roller (155) forming a nip with the casting surface; feeding a carrier web through the nip; etc. (claim 2, Fig. 2). Lasch et al, in column 12,

lines 1-5, further discloses that "Employment of a nip roller 155 also improves process control of the depth of embedding.

Provision of a thickness adjustment to the nip roller 155 further facilitates control of the depth of embedding." Thus, it would be obvious to one of ordinary skill in the art to apply the teaching of Lasch et al in Thoma et al so as to provide Thoma et al a tool including a nip roller for forming a polyurea sheet with any desired thickness.

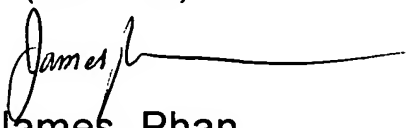
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the

organization where this application or proceeding is assigned is  
703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James Phan  
Primary Examiner  
Art Unit 2872

JP  
August 4, 2005